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## PROBLEMS GROWING OUT OF THE TITANIC DISASTER <sup>1</sup>

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THE problem of securing safety at sea involves the construction, equipment and operation of vessels, and incidentally involves a number of other questions, such as the type of seamen employed in the operation of vessels and the extent of liability of shipowners for losses due to accident.

Following his investigation of the Titanic disaster, Senator Smith, chairman of the Senate investigating committee, prepared two bills. One of them provided for the creation of a commission to study the whole question of construction, equipment and operation of vessels, and to revise the laws and the rules in force in this country so that construction, equipment and operation might be regulated in the interest of safety, not only for the seamen, but for the passengers, and indeed for the persons whose money is invested in the shipping business. That bill provided for the appointment by the President of a commission consisting of one naval constructor, one officer of the navy experienced in marine engineering, one representative of the steamboat inspection service, one representative of the Society of Naval Architects and Marine Engineers, one experienced merchant shipbuilder, one shipowner or officer of a corporation owning and operating ships, one experienced seaman and one attorney-at-law, for the purpose of making a thorough investigation of the laws and regulations of the United States relating to the construction, equipment and navigation of vessels. The bill died without exciting any interest either before Congress or before the general public.

The other bill, presented by Senator Smith, provided for

<sup>1</sup> Read at the meeting of the Academy of Political Science, November 13, 1915.

the control of foreign-owned vessels in the interest of securing information as to their ownership and financial control, and in some detail attempted to provide for construction, equipment and operation. When this bill was drawn—and it was drawn in about three days—it was perfectly well understood that no one was capable, in the time available, of formulating rules having the force of law, regulating such important technical problems as the construction, equipment and operation of vessels. The bill was put in as an indication of some possibilities of improvement, but the important bill, which was presented to Congress at that time, in my opinion, was the one which asked for the creation of a technical commission to study this subject and bring our laws up to date in the interest of every party concerned.

No such commission was created. Indeed, there was no particular interest in the proposal. There was then pending a proposal to hold an international conference on the subject, and the general opinion of those to whom the commission proposal was submitted was that the whole matter was one for international regulation, and would be dealt with by the Conference on Safety in London. The London Conference did deal with the subject, but when our representatives to that conference came to discuss the terms of international regulations in the interest of safety, what was their preparation? How could they state the position of the United States on the various technical questions involved? We had made no preparation for the conference except what a few officers of the government were able to do in addition to their regular routine duties. An informal committee, consisting of officers of the navy, the commissioner of navigation and the inspector general of the steamboat inspection service, endeavored to get technical material, mathematical calculations and exact information on the subject which was to be discussed at London.

The lack of thorough technical information and consideration was emphasized in the report of this committee to the Secretary of Commerce, in which it is stated:

There were no funds at the disposal of the Department which were  
(98)

available for the organization and work of a technical committee which could thoroughly investigate and make detailed calculations relating to the subject-matter in question for use before the proposed international conference on safety at sea, although it was known that similar investigations and calculations were then in progress in several foreign countries under the supervision of highly skilled technical committees with ample resources at their command.

And, again, in the same report, the committee said :

The committee also deems it important to emphasize a fact which is already no doubt thoroughly appreciated by the Secretary, namely, that definite information concerning many of the important questions embraced in the list prepared by the committee can only be obtained through careful and exhaustive research by a body of experts specially detailed for said work and having at their command ample resources to prosecute their investigations to a satisfactory conclusion. Moreover, the importance of this and allied subjects under the jurisdiction of the Department of Commerce is so great that the committee is impelled to point out the advisability—indeed the necessity—of having in the Department of Commerce a technical body suitably equipped and qualified to pass upon all the technical questions which so frequently arise with respect to the suitability and the proper construction of vessels and their equipment. Such a body of experts could act with knowledge and authority in technical matters in dispute and would greatly assist in the execution of rules already established by standard classification societies and would also facilitate and encourage improvements in such rules tending to increase the efficiency of vessels for the purpose for which intended, with concurrent regard for the safety of passengers and crew.

It is recognized that the provision of such expert assistance for the Department of Commerce would require new legislation, but the importance of the subject is so great that the committee deems it a duty to recommend its serious consideration by the Secretary.

Our representatives went into the London Conference at exactly the same disadvantage as that with which we all approach the discussion of this subject. It is highly technical, and until it has been studied from every angle by men possessing the various kinds of technical ability involved in its consideration it cannot be dealt with intelligently and permanently either by Congress or by any international agreement.

The Titanic disaster was due probably to excessive speed in the ice-fields. Its tragic consequences were unquestionably increased by the lack of lifeboats efficiently manned, but, as the chairman has indicated, a very recent disaster in our waters was due, not to speed, but to some defect in construction or operation. The Eastland turned turtle at her dock in Chicago. It has even been suggested that her lifeboat equipment tended to make the boat topheavy. Each disaster has its peculiar causes, and remedying the cause of one gives no reasonable assurance of avoiding another. Nevertheless, our navigation officers seem to confine their efforts at revision of our laws to proposals to meet the specific situation disclosed by each new disaster. Following the burning of the Slocum, there was agitation for more careful inspection and a better supply of life-belts. Following the Titanic, the need of better lifeboat equipment was emphasized. And now, following the Eastland, it is reported that the Department of Commerce has framed a bill to give the federal government control of the construction of vessels of more than one hundred tons. This activity to remedy specific defects immediately after each accident tends to prove, as in the law of negligence, that the failure to act prior to accident involved some lack of care. The gradual patching of our laws may ultimately make them more satisfactory than they are now, but we cannot hope to avoid disasters on the water until our rules and regulations and the laws on which they are based, are revised to meet modern developments in the building and operation of ships after careful study of the whole problem in all its many ramifications. Senator Smith's joint resolution introduced in the Senate on May 28, 1912, providing for the creation of an expert commission to investigate the rules and regulations for the construction, equipment and navigation of vessels, ought to be speedily revived and enacted by Congress, and public interest in the work of the commission focused upon it in an effort to inspire a thoroughgoing investigation and revision to secure greater safety at sea.

By this I do not mean the creation of a governmental agency to foster American shipping or to assist in the development of

an American merchant marine. An agency to develop and foster American shipping ought not at the same time to be entrusted with the problem of regulating shipping and ship-owners in the interest of the general public. Stimulating and fostering a mercantile marine through a government agency means official endeavor to smooth the path of builders of ships and investors in shipping, and this attitude is likely to inspire in the officers to whom it is entrusted a tendency to let down the standards of safety required by the public interest. We need for transportation by water what we have for interstate transportation by land, *viz.*, a government agency whose primary duty it is to see that the business is carried on with fairness and safety to the general public. If we are to enter upon any systematic development of transportation by water, and especially if we are to develop federal agencies to promote the building and operation of American ships, we must not forget that security and justice to the traveling and shipping public require regulation by an agency whose sole duty is the enforcement of the law in the public interest.

The problem of safety at sea is affected in an important manner, though indirectly, by the extent of the shipowner's liability for losses by accident. The absence of any liability is apt to encourage the owner to take the chance of disaster, whereas the probability of a heavy financial responsibility, in case of disaster, would tend to inspire an earnest effort to prevent accident. Whether our present statutes and decisions in admiralty on the subject of the owner's liability tend to develop his interest in preventing accidents or his interest to make a profit at the risk of safety, may be judged from a summary of their effect.

In the first place, the owner is exempt from all liability where the loss is due to a peculiar hazard of the sea. There is here no question of limited liability; for such losses the owner is simply not liable in any degree.

For injury to a seaman, the owner is not liable unless the accident was due to his own actual negligence. He is not liable for the negligence of the master or of the crew, though the La Follette act now provides that the seaman exercising

control or direction over another seaman is not hereafter to be considered a fellow-servant of the seaman so directed. Substantially the only liability of the owner to the injured seaman is to care for him during the remainder of the voyage. Many years ago the federal government collected from owners a tonnage tax, which the owner was permitted to deduct from the seaman's wages and which was used for the marine hospital maintained by the United States. That tax has since been discontinued and the hospital is now supported entirely by government appropriation. In grave contrast to this lack of liability under our laws for injuries to or the death of his seamen, the shipowner is liable under the laws of Great Britain and the great European maritime countries to pay the sums provided by the workmen's compensation acts in those countries. It seems curious that neither our state compensation laws nor the federal employer's liability laws nor the proposed federal workmen's compensation law makes any provision for compensating injured seamen or their dependents. Development of our much-desired mercantile marine ought not further to be planned on any basis which involves injustice to the individuals who suffer from injuries to or the death of seamen while engaged in their very hazardous employment. It would seem not to require much urging to secure the inclusion in the proposed federal workmen's compensation act of provision for compensation for seamen employed in interstate or foreign transportation by water.

For death at sea, however much it may be due to negligence, and however much might have been recovered had the accident resulted only in injury instead of in death, no action can be maintained in our admiralty courts unless by resort to the law of a state or some foreign country. The ancient rule of the common law that the action dies with the person, still maintains in our admiralty courts despite the fact that it has elsewhere been abolished by statute. Practically all of our states and foreign countries have provided in statutes, which have come to be known as "Lord Campbell's Acts," for the maintenance of an action to recover for death due to negligence. Our admiralty courts recognize the justice of this rule

and go out of their way to give such a right of action by applying the law of the flag of the ship. If it is a ship engaged in coastwise traffic and registered in New York, the New York Lord Campbell's Act is resorted to as a basis for an action in the federal court. If it is a foreign ship registered under the French law, resort is had to a similar law of France to authorize the maintenance of the action. Justice in such cases ought not to depend on the existence in other countries of an enlightened rule of law which has not yet found recognition in our own admiralty statutes. A bill to give our admiralty courts jurisdiction of actions for death from negligence has been pending in Congress for several years and ought speedily to be enacted in some form.

And, then, on top of all this, for any accident however it occurred and with whatever kind or amount of damage, if there is any liability on the owner it is to the extent only of the value of the wreck after the accident. In the case of the Titanic disaster, that meant that the owner was liable for only \$90,000, that being the amount which had been paid for passage and freight. The vessel was a total loss and the owner was under no further liability whatever. For this same disaster the owners were liable under the laws of England, not for \$90,000, but for nearly \$3,000,000. This is a strange contrast between a country concerned about the possibility of broadening the development of its merchant marine and a great mercantile country—the one with substantially no liability and the other with a very substantial liability. Strangely enough, the present state of our limited-liability rule came about through an attempt on our part to copy the English rule. When Congress enacted our first limited-liability law in 1851, the English law limited the owner's liability to the value of the vessel. But note this important difference between the interpretation of that law and the interpretation of our present law: the English law was interpreted to mean the value of the vessel at the time she sailed on the fatal voyage; our law has been interpreted to mean not her value at the commencement of the voyage, but her value as a wreck after the accident. Great Britain has since substituted for the rule which we

copied with such curious results a law which fixes the liability of the owner for loss to passengers and goods at fifteen pounds per registered ton. Meanwhile, our law, by amendment and judicial decision, has been made applicable to foreign as well as American ships, to lake, river and coastwise as well as ocean-going ships, and to practically all actions commenced in our courts to recover damages for accident no matter what the flag of the ship or the status of the claimant. The decision of the United States Supreme Court on the application of the owners of the *Titanic* to limit their liability under our laws practically insures the limitation of the owner's liability to the value of the wreck in every case of action begun in our admiralty courts.

Increased liability of owners for losses at sea would have some indirect effect in increasing safety at sea. While Mrs. Kelley has said there is no interest in this country in safety, I think it is fair to recognize the fact that safety campaigns now being conducted in this country have accomplished something in the interest of safety in places of employment on land. I think the real reason for the success of these campaigns can be found in our workmen's compensation acts, which have placed on owners and employers a substantial liability for every accident happening in their plants. It is, of course, to their interest to prevent accidents, even if they are not financially responsible for results of accidents, but there is no better way to bring home to them the fact that it is to their interest to prevent accidents than to make them feel the financial burden involved in the accident. And so I suggest that in this very difficult and technical field of increasing safety at sea we can hope that by increasing the liability of the owners and by practically compelling their insurance of that liability in insurance companies we can inspire the co-operation of the men who know most about safety at sea on its technical side, to assist the government in devising effective rules and regulations to bring about greater safety.

In every field of governmental regulation of private business there is a very grave and difficult task on the hands of the legislator. The men who know most about the subject to be

regulated do not ordinarily come forward and give the legislature the benefit of their knowledge and assist in the construction of a law which, without involving unnecessary hardship, will accomplish the desired purpose. They stand back and allow the law to be enacted in defective form or in language involving unnecessary burden on the business regulated, and then criticize it after it is on the statute-books. We had one significant exception to this rule. When the Federal Reserve Law was before Congress, the bankers, realizing that the best way to prevent undesirable legislation was to help frame that legislation, gave to Congress the benefit of their criticisms and suggestions. They educated the committees of Congress in the technical aspects of their business and thereby made possible a law accomplishing its purpose without unnecessary hardship.

Now, it may be that this La Follette Seamen's Law contains provisions which are unnecessarily burdensome on owners. We can only tell whether it lays such burdens by its actual effect in operation. We cannot depend upon the ridiculous statements which are being made as to its effect. Indeed, the shipowners and shipping interests are probably making the same mistake in their propaganda against the Seamen's Law that was made by inconsiderate employers who fought workmen's compensation laws as destructive of the state's industries, and as likely to drive industry to other states. Nothing contributed more to the rapid progress of workmen's compensation laws throughout this country than the unfair and baseless charges that they would operate to the detriment of industry. Such charges, if true, are effective, but if untrue, generally prove a boomerang.

All parties interested in these allied subjects of safety at sea and the owner's liability for losses should join in an earnest effort to secure a full and fair study of the problems involved with a view to the most effective and fair regulation in the interest of safety and justice. Whether our laws on these subjects should ultimately take the form of acts of Congress or of international treaties, the intelligent determination of their exact form and effect depends on technical information, calcu-

lation and consideration which can be expected only from a properly organized special commission with full powers.

It is unquestionably desirable that we have international agreements on both subjects. On both it is impossible for any one nation to legislate justly and effectively, just as it would be impossible for any one state to legislate on the subject of interstate railroad operation. We don't want ships subject to one set of rules and regulations in New York harbor and to a totally different set of rules and regulations in foreign harbors. We don't want the victims of accidents, especially our own citizens traveling in British ships, unable to recover any substantial damage in the American courts, while able to recover very substantial damages in the British courts. These are proper subjects for international agreement, but every agreement involves compromises. If we go into national conferences to reach an agreement on either or both of these subjects, what standards are our representatives to advocate? On the subject of limited liability, are they to join with Germany and with France, countries which have practically our low limit of liability, and endeavor to compromise England's high limit down, or are they to join with England, which has a substantial liability, in an effort to compromise the German and French limits up? On the subject of rules and regulations governing shipping and the rights of seamen, are our representatives to join with countries whose laws are like our own or worse, and advocate national acceptance of our present standards, or are they to join with the representatives of those countries which have better and more enlightened laws, and advocate international approval of higher standards? Our present standards are higher than those of some, but lower than those of other foreign countries.

In matters involving justice and safety to individuals, we cannot afford to be the advocates of international adoption of the lower standard. As a nation, we ought not to sacrifice principles of justice to expediency. The much-desired development of our mercantile marine ought to be founded upon the firm basis of justice to all parties concerned. If this is to be done, I believe it essential that Congress create such a com-

mission as that proposed in Senator Smith's bill, introduced after his study of the Titanic disaster. If such a commission is properly organized, if its members are selected because of their capacity to deal intelligently with the various technical problems involved, and if the shipowners and shipping interests will contribute honest, frank co-operation, we can get a basis for future regulation in the interest of safety and for a fair rule of liability for losses whether it be incorporated in an act of Congress or in an international agreement.

Note.—Since the above paper was read, namely, on November 22, the following resolution was adopted by the members of the India House:

(1) That authority be conferred on the President of the United States to suspend the operation of such of the provisions of the Seamen's Act as he shall consider detrimental to the public interest until the entire subject of the development of the American merchant marine can be dealt with on a basis of permanency; and

(2) That Congress create a permanent commission or shipping board composed of men experienced in shipping and foreign trade, with authority to investigate all shipping problems and to submit to Congress recommendations for legislation covering the following subjects:

- a. The revision, amendment, or repeal of the Seamen's Act.
- b. The revision of the navigation laws and rules and regulations based thereon.
- c. The establishment of regulations concerning the structural strength, equipment and load line of vessels.

## APPENDIX A

Tentative draft of a bill to authorize actions in United States admiralty courts to recover damages for death at sea — a Federal Lord Campbell's Act.

Sec. 1. Wherever the death of a person is caused on the high seas or on any navigable waters by such wrongful act, neglect or default as would, if death had not ensued, have rendered the person, corporation or vessel causing such injury liable therefor in a district court of the United States in admiralty, such person, corporation, or vessel shall be liable to an action for damages for such death in the said district court in admiralty.

Sec. 2. Suits in admiralty for the recovery of damages for death so caused shall be brought only under the provisions of this act and shall be for the benefit of the decedent's surviving widow or husband and children, and if none, then of the decedent's parents, and if none, then of the next of kin dependent upon the decedent. Every such suit shall be brought by the decedent's personal representative, but if suit is not begun by the personal representative within a reasonable time after the cause of action arises, it may be brought by any person who, under the provisions of this act, would be entitled to participate in the distribution of any damages recovered therein.

Sec. 3. No action hereafter brought to recover damages for injury to a person on the high seas or on any navigable waters shall abate by reason of the death of the plaintiff, but the personal representative of the deceased may be substituted as plaintiff and the action be prosecuted as an action under this act; but not more than one suit may be maintained in the admiralty courts of the United States for the injury to and the death of such person.

Sec. 4. Every suit brought under the provisions of this act shall be begun within two years after the cause of action arises, except that in no case shall the right of action be deemed to have lapsed until the expiration of ninety days after a reasonable opportunity has been had to secure jurisdiction of the vessel, person or corporation sought to be charged.

Sec. 5. In all actions brought under this act, the fact that the deceased was guilty of contributory negligence shall not bar recovery, but the damages recoverable in such cases shall be diminished by the court in proportion to the amount of negligence attributable to the deceased; provided that the deceased shall not be held to have been guilty in any degree of contributory negligence in any case where the violation by the defendant of any statute, rule or regulation of the United States enacted or made for the safety of persons at sea or on navigable waters contributed to his death.

Sec. 6. This act shall not affect the rights of shipowners and others to avail themselves of the provisions of the laws of the United States relating to limitation of liability.

NOTE.—This bill, if enacted into law, would simply authorize dependents of persons killed at sea to maintain an action for damages in our admiralty courts. At present, the ancient rule of the common law that causes of action for personal injury die with the injured person still obtains in the United States courts of admiralty, though in practically every other jurisdiction in this country and in Great Britain this old rule has given way to the modern idea that the personal representative of the dependent should be able to maintain an action for the benefit of the decedent's surviving kin. The proposed statute would simply adopt this modern rule for our courts of admiralty and thereby make their jurisdiction in this matter uniform with that of all other courts in this country. The draft herewith submitted is merely tentative. It indicates the kind of legislation needed to accomplish the desired result. It is practically a revision

of the Peters Bill which was pending in the last Congress. It follows generally the English Lord Campbell's Act and the United States Employers' Liability Act of 1908.

## APPENDIX B

Tentative draft of a bill to amend the United States laws limiting the liability of shipowners for losses at sea. The matter in italics is new ; the balance of the proposed amendment is the present law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 4283 of the Revised Statutes be and the same is hereby amended to read as follows:

"The liability of the owner of any vessel, for any embezzlement, loss or destruction, by any person, of any property, goods or merchandise, jury by collision, or for any act, matter, or thing, lost, damage, or for-jury by collision, or for any act, matter, or thing, lost, damage or forfeiture, done, occasioned, or incurred, without the privity, or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel *immediately prior to the happening of the event out of which such liability arises* and her freight then pending."

Section 2. That section 18 of the act of June 26, 1884, p. 57, volume 23, of the Statutes at Large be and the same is hereby amended to read as follows:

"That the individual liability of a shipowner shall be limited to the proportion of any or all debts and liabilities that his individual share of the vessel bears to the whole; and the aggregate liabilities of all the owners of a vessel on account of the same shall not exceed the value of such vessel *immediately prior to the happening of the event out of which such liability arises* and freight pending: Provided, That this provision shall not affect the liability of any owner incurred previous to the passage of this act, nor prevent any claimant from joining all the owners in one action; nor shall the same apply to wages due to persons employed by said shipowners."

Section 3. That section 4285 of the Revised Statutes be and the same is hereby repealed.

Section 4. This act shall take effect immediately but shall not affect any liability incurred previous to the time it goes into effect.

NOTE.—Section 4285 of the Revised Statutes, which this proposed bill would repeal, provides as follows:

"It shall be deemed a sufficient compliance on the part of such owner with the requirement of this Title relating to his liability for any embezzlement, loss, or destruction of any property, goods, or merchandise, if he shall transfer his interest in such vessel and freight, for the benefit

of such claimants, to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person who may prove to be legally entitled thereto; from and after which transfer all claims and proceedings against the owner shall cease."

It was this provision that resulted in the decisions of the United States Supreme Court that the measure of the shipowner's liability was the value of the wrecked vessel after the accident. The English law, after which our limited-liability laws were modeled, fixed the owner's liability at the value of the vessel when she sailed on the fatal voyage. There was nothing in the English law specifically authorizing surrender of the wrecked vessel by her owner and his avoidance thereby of all further personal responsibility. As has been said, the insertion of this provision in our statutes resulted in the ruling that since the owner could escape all liability by abandoning the vessel to claimants, our statutes clearly meant that the limit of liability was the value of the wrecked vessel which might be thus surrendered. The repeal of this provision would place our law in the same position as that of the English law at the time we copied it. It would obligate the owner to reimburse persons damaged to *the extent of the value of the vessel when she sailed*, which means practically in the amount for which the owner had insured the vessel. In cases of disaster this would mean that the claimants would have recourse to the insurance money. Under our present law claimants cannot attach or otherwise secure any part of the insurance money received by the owners. This repeal is suggested tentatively merely as a means of undoing the extremely important variation of the English law on which our limited-liability laws were founded. If this repeal were enacted it is probable that we should later follow some such course as that adopted in England, namely, the limitation of the owner's liability to a fixed sum per ton of the registered tonnage of the ship.

The proposed amendments to Section 4283 of the Revised Statutes and to Section 18 of the Act of June 26, 1884, are intended merely to make clear the fact that the intent of the proposed bill is to change the measure of limited liability from the value of the vessel after the accident to the value of the vessel immediately before the accident.

It is, of course, recognized that the proposals of this bill are tentative in the extreme. The question of the proper limit of the owner's liability teems with problems of policy which must be definitely determined before any satisfactory bill can be drawn. The draft submitted merely indicates the way in which our laws on this

subject could be relieved from the curious result of our attempt to follow the English law, a result which was illustrated in the Titanic case by a liability under our laws of \$90,000 as contrasted with a liability under the English laws of nearly \$3,000,000.

## APPENDIX C

Tentative draft of a bill to create a commission to investigate safety at sea and allied subjects and to report its recommendations to Congress as a basis for either congressional legislation or future international agreements respecting the construction, equipment and operation of vessels, the condition of seamen, and the liability of ship-owners for injuries or death at sea.

### JOINT RESOLUTION

Providing for the creation of a commission to investigate the laws and regulations for the construction, equipment and navigation of vessels, and other questions relating to safety at sea.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a commission be, and the same is hereby, created, to be appointed by the President, and to be composed of one naval constructor, one officer of the Navy experienced in marine engineering, one representative of the Steamboat Inspection Service, one representative of the Society of Naval Architects and Marine Engineers, one experienced merchant shipbuilder, one shipowner or officer of a corporation owning and operating ships, one experienced seaman, and one attorney-at-law. The President shall designate one of his appointees as chairman of the commission.

Sec. 2. The commission shall make a thorough investigation of the laws and regulations of the United States relating to the construction, equipment and navigation of vessels, the terms and conditions of the employment of seamen, the liability of shipowners for personal injury or death at sea, the effect in operation of such laws and regulations, and all other questions relating to the general subject of safety at sea; and shall report its findings and recommendations, together with a draft of bills and rules or regulations before January first, nineteen hundred and eighteen.

Sec. 3. The commission is authorized, as a whole or by sub-committees of the commission duly appointed, to meet and to hold public hearings anywhere in the United States; to issue subpoenas for and compel the attendance of witnesses; to administer oaths; to examine witnesses; and to require the production of books, papers, documents, and other evidence. The several departments and bureaus of the government, when directed by the President, shall furnish the commission, upon its request, all records, papers and information in their possession relating to any subject under investigation by the commission.

Sec. 4. The members of the commission other than those in the service of the United States shall be paid a compensation of ten dollars per diem while actually engaged on the work of the commission and while going to or re-

turning from such work. The commission is authorized to employ such secretaries, experts and other assistants as shall be necessary, to fix their fees or salaries, and to authorize them to travel in or outside the United States on the business of the commission; to rent such offices; to purchase such books, stationery, and other supplies; and to make such other expenditures as may be necessary to carry out the purposes for which such commission is created. The members of the commission, and, when authorized by the commission, their secretaries, experts and other assistants, shall be paid actual traveling and other necessary expenses.

Sec. 5. All expenses of said commission for all the time in which said commission shall be actually engaged in this investigation shall be paid out of any funds in the Treasury of the United States not otherwise appropriated, on the certificate of the chairman of said commission, and the sum necessary for carrying out the provisions of this resolution is hereby appropriated.

(112)